

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 19

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte NOBORU INAMINE

Appeal No. 2001-0830
Application No. 08/917,718

HEARD: MAY 22, 2001

Before KRASS, RUGGIERO, and DIXON, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1, 4, 5 and 8-16, all of the pending claims.

The invention is directed to an interface between a computer and an image-forming apparatus best illustrated by reference to representative independent claim 1, reproduced as follows:

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1. An interface system between at least one image forming machine and a computer, comprising:

data input means for receiving data from the computer, said data including a header portion and a data portion;

determining means for determining whether the data input through said data input means is print data or environment setting data based on a header code included in the header portion of the data received from the computer;

page data storing means for storing page data prepared based on the print data determined by said determining means;

nonvolatile storage means for storing the environment setting data determined by said determining means; and

an output means for outputting the page data stored in said page data storage means to the image forming machine based on the environment setting data stored in said nonvolatile storage means,

wherein the environment setting data and the print data are input as data in separate packet formats.

The examiner relies on the following reference:

Kashiwazaki et al. [Kashiwazaki] 5,748,861 May 5, 1998
(filed May 18, 1993)

Claims 1 and 4 stand rejected under 35 U.S.C. 102(e) as anticipated by Kashiwazaki.

Claims 5 and 8-16 stand rejected under 35 U.S.C. 103 as unpatentable over Kashiwazaki.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

OPINION

With regard to independent claim 1, the examiner takes the position that the claim is anticipated by Kashiwazaki for the reasons set forth at pages 2-3 of the answer. We have reviewed the examiner's reasoning and have studied the various portions of Kashiwazaki identified by the examiner as disclosing certain claimed elements and we agree with appellant that Kashiwazaki does not anticipate the claim for at least the following reasons.

Claim 1 requires the data received from the computer to include a "header" and a "data" portion and that a determination is made as to whether data input is print data or environment setting data *based on a header code included in the header portion.*

The examiner points to column 11, lines 50-60, of Kashiwazaki for a teaching of a "header portion" and to Figure 19 and column 15, lines 4-10, for a teaching of a "data portion." The examiner then points to CPU 22 in Figure 2 of Kashiwazaki as the "determining means" for determining whether the data input is print data (pointing to column 7, lines 34-37) or environment setting data (pointing to column 9, lines 37-45) and that this is based on a header code included in the header portion of the data

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received from the computer, relying on column 11, lines 51-60, and Figure 19 of Kashiwazaki.

Referring to the cited portions of Kashiwazaki, column 11, lines 50-60, does mention "head data" and column 15, lines 4-10, does mention a pair of print data and an emulation designation command. CPU 22 does control the overall operation of Kashiwazaki's apparatus. However, the examiner's rationale is unclear as to how these various portions of Kashiwazaki are tied together. Moreover, when we refer to the cited portions at column 7, lines 34-37, and column 9, lines 37-45, we do not find any teaching or suggestion of a determination as to whether the data input is print data or environment setting data *based on a header code included in the header portion of the data received from the computer*, as claimed.

At column 7, it is recited that the CPU 22 determines whether all the I/Fs 21a and 21b are set in an on-line state. It is true that I/F 21a is interrupted when print data is output from an external apparatus so the cited portion of column 7 may be found to suggest that the CPU determines if the data input is print data. At column 9, Kashiwazaki discloses that the external apparatus sends a control command for downloading font scaler data to the apparatus, "a code representing that the download

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data is font scaler data, the total number of bits to be sent, font scaler data, and check sum data..." If this font scaler data is "environment setting data," as claimed, [the font scaler is defined, at column 1, lines 18-19, as a function of generating character patterns], then it might be reasonably said that Kashiwazashi teaches a determination as to whether certain input data is print data or environment setting data. However, we find no teaching within Kashiwazashi that this determination is *based on a header code included in the header portion of the data received from the computer*, as claimed. The examiner refers us to column 11, lines 51-60, of Kashiwazaki for such a teaching but it is unclear to us that this portion of the reference teaches what the examiner alleges it teaches.

Thus, as alleged by appellant, at page 7 of the principal brief, "even assuming that a header is described in the cited lines, this still does not correct the deficiency that the reference does not necessarily teach that distinctions between print and header data are made by a determining means based on the header." Since the examiner's position appears to be based on speculation, we will not sustain the rejection of claims 1 and 4 under 35 U.S.C. 102(e).

We also agree with appellant's arguments that Kashiwazaki does not teach storage of environment data in non-volatile memory because the font scaler and print data of Kashiwazaki are stored in volatile memory 24. As explained by appellant, at page 7 of the principal brief, "if the data were non-volatile, such that old font data or emulator data were carried over, then the unique relationship between print and emulator data...would not be maintained, thereby obviating a principle of operation of the reference." The examiner disputes this position, stating [answer-page 8] that Kashiwazaki teaches a nonvolatile memory for storing and holding various setting contents, pointing to column 6, lines 44-46. However, it is not clear from this portion of Kashiwazaki that one of those "various setting contents" is the environment setting data determined by the determining means, as claimed.

Moreover, we also agree with appellant's argument that Kashiwazaki does not include print and environment data as separate packet formats, as claimed. Column 9 of Kashiwazaki, cited by the examiner for such a teaching, merely indicates a format for a control command and does not require separate packets for the two data types if a control signal within a single packet can separate environment and print data.

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As explained by appellant, at page 8 of the principal brief, since there is an alternative to providing separate packets in Kashiwazaki, it cannot be said, as alleged by the examiner, that the separate packets are "inherent" in Kashiwazaki.

Since independent claim 9 comprises similar features, we will not sustain the rejection of claims 5 and 8-16 under 35 U.S.C. 103.

Since we have not sustained either the rejection of claims 1 and 4 under 35 U.S.C. 102(e) or the rejection of claims 5 and 8-16 under 35 U.S.C. 103, the examiner's decision is reversed.

REVERSED

ERROL A. KRASS)	
Administrative Patent Judge)	
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JOSEPH F. RUGGIERO)	BOARD OF PATENT
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